

## Draft Minutes

### Exeter Board of Selectmen

April 13, 2015

#### **1. Call Meeting to Order**

Chairwoman Julie Gilman called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Don Clement, Selectwoman Nancy Belanger, Selectwoman Anne Surman, and Selectman Dan Chartrand. Town Manager Russell Dean was also present.

#### **2. Board Interviews: Planning Board**

The Board had reconvened after a 6:50pm interview for a volunteer.

#### **3. Bid Openings/Awards**

None.

#### **4. Public Comment**

Brandon Stauber, Exeter resident, commented about Darren Winham having outside employment. He wondered how much Mr. Dean and the BOS knew about hours he was committing for another town. He claimed Mr. Dean and Mr. Winham hid their involvement in this. He said the comments that Mr. Winham had been working 80+ hours with Exeter are no true. He said Mr. Dean did not disclose enough information about Mr. Winham to the BOS. He wondered if Mr. Winham is working for a competitive town. He asked how much time went into the TIF and if Mr. Winham is eligible for full benefits even though he is not working full-time. He said he resigned from the EDC because of Mr. Winham and Mr. Dean's behavior. He said he has lost all trust in the BOS. Vice Chair Clements asked Mr. Stauber for his list of questions to be answered.

#### **5. Minutes and Proclamations**

##### **a. Proclamations/Recognitions**

None.

##### **b. Regular Meetings: March 23, 2015**

Selectwoman Surman said all "Gilman Lane" references need to be changed to "Gilman Street".

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to accept the minutes of the March 23, 2015 BOS meeting, as amended. Motion carried – all in favor.

## **6. Appointments**

None.

## **7. Discussion/Action Items**

### **a. New Business**

#### **i) Stadium Well Lease Agreement**

A Motion had been made by Vice Chair Clement to accept the agreement, but he pulled it back before there was a second so they could have public comment.

Frank Ferraro said he did not see this in the packet and asked where he could find it for public review. He said the public should review it before it is accepted. Chairwoman Gilman said the Board feels really comfortable with the terms of the agreement, and they are ready to move forward. Mr. Dean said it has been negotiated with counsel. Mr. Ferraro said he was disappointed it wasn't in the packet. He said he would like to see future agreements put before the public before they are passed.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to approve the Stadium Well Lease between Exeter and Phillips Exeter Academy. Mr. Dean said the new agreement is a 30 year agreement. It is an agreement between Exeter and Phillips Exeter Academy to use up to 5,000 gallons a year. Chairwoman Gilman said the lease is providing access for maintenance of the stadium well. Vice Chair Clement made a comment about starting the work to connect the well to the pump station. With a Motion on the table, the Board voted, passing the Motion unanimously.

#### **ii) Gilman Street Agreement**

Chairwoman Gilman said the Board and Phillips Exeter Academy have made an agreement, but there are still a few tweaks in the wording. She said they are not ready to sign it today.

#### **iii) Accept Great Dam Grants**

Mr. Dean said Jen Mates, Assistant Town Engineer, just needs Motions to accept these grants.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to accept State Conservation Committee funds and enter into a contract with the State Conservation Committee and further authorize the Town Manager to execute any documents which may be necessary for this contract. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement accept New Hampshire of Environmental Services Aquatic Resource Mitigation funds and enter into a contract with the New Hampshire Department of Environmental Services and further authorize the Town Manager to execute any documents which may be necessary for this contract. Motion carried – all in favor.

#### **iv) Outside Employment Policy Discussion**

Chairwoman Gilman said currently there is not a policy for employees working at other jobs outside of the town. She said the question has come to put a policy on this and she said they need to review it. Selectman Chartrand said that he is not of the opinion that there is a problem, but he is willing to listen to others. Selectwoman Surman asked what brought this up. Chairwoman Gilman said it has to do with Mr. Stauber's previous comments. She asked the Board if they should come up with a policy.

Vice Chair Clement said he is weary about creating a policy for something that doesn't exist. He said he did some research and this is a difficult policy. He said you can't legislate an employee having another job to implement their income. He said it is not a good idea to put restrictions on this. His couple issues are relating it to performance, having a conflict of interest, and managing how an employee should be using company resources in pursuit of their other employment.

Chairwoman Gilman asked if they even want to have this discussion. Selectwoman Belanger said she doesn't think they need to but she is open to listen. Selectwoman Surman asked if there are Human Resources issues and wondered in general why they are spending time on this unless this issue has arisen several times. Chairwoman Gilman said this is simply a situation of outside employment.

Mr. Dean said the town does not have a policy governing this. He said it is a slippery slope. In his research, there is one town with a paragraph of a policy, and that was all he found. There is no requirement to approve outside employment. He said if the Board wants to move forward, he suggests the issues be fully vetted and understood before it is done.

Selectman Chartrand left this to the Chair. He suggested looking over Vice Chair Clement's proposed policy, which he drafted if the Board decided to move forward with this.

Mr. Ferraro said employees should be able to have outside employment as long as there is not a conflict with their current job with the town. He said they are contracting for a fixed amount of hours per week. He asked the management in town to understand that employees

can have a second job as long as it doesn't conflict with their obligated hours with the town. He said it is not 40 hours/week when you're salary. He said you are on the job 24/7. The Board disagreed, saying there has to be limits. Mr. Dean said full-timers put in 40 hours/ week, at least. He reached out to many other municipalities on this and only got one response.

Chairwoman Gilman said they would put this on an upcoming agenda for further discussion.

#### **v) EDC Ordinance Discussion**

Selectman Chartrand said EDC met last week. They had considered a lot of Mr. Dean's research. Mr. Dean went through the history, saying that in 1968 the Selectboard accepted an ordinance to create the EDC. In 1975, the Board established a separate non-profit EDC. The question is if it should stay on the books long term. It is in good standing with the Secretary of State. Selectwoman Surman asked if a non-profit report is filed for it. Mr. Dean showed an example of a report that is filed. He said it is in good standing and everything is up to date.

Selectman Chartrand said the EDC has asked what should do now. The EDC thought Selectman Chartrand should come to the BOS and ask permission to figure out how to reform it themselves. They would like to clean up and sort everything out.

Vice Chair Clement said things have evolved since 1968. He said what the EDC had created then needs to be redone. He would like to see the BOS come up with some recommendations with Mr. Dean and have EDC's input. He said the new model committee should be televised. Selectman Chartrand reminded that the EDC did want to reform this themselves.

Selectwoman Surman asked if the EDC thinks they need a new mission statement. She said the town now has a position that can help get stuff done. She said they had said they were looking for someone to lead them and now they have that with the Economic Development Director.

Selectwoman Belanger suggested Mr. Winham be part of the conversation.

Selectman Chartrand said the EDC had decided there is definitely a role for them. Selectwoman Belanger wondered if there is any negative thing that would come of dropping the not for profit status. Mr. Dean said the funds return to the town when a not for profit is dissolved. He also said that whatever comes out of this process, it is a Selectboard ordinance.

Chairwoman Gilman said if the EDC wants to figure themselves out, they should then come to the BOS. Selectman Chartrand said yes, it is ultimately up to the Selectboard but they had just asked to work on this amongst themselves first. Chairwoman Gilman said they could form it and dictate it; whether it starts here or there is doesn't really matter. Vice Chair

Clement suggested looking at other towns for reference. Selectman Chartrand suggested letting the EDC run with it, then schedule a joint meeting between EDC and BOS.

Mr. Ferraro said it is wise to dissolve the non-profit. He asked if the tax forms have been filed with the IRS. Mr. Dean suggested not going down that road as there are different models of nonprofits. Mr. Ferraro said they all have tax reporting liability. He said the Board members need to realize that they are not a town board so they are individually liable. He asked how much money the EDC has. Chairwoman Gilman said they can find out. Mr. Dean said he has not found any reports to the IRS in the file, but they need to have a review. He also said there is not much money in left.

## **b. Old Business**

### **i) Review 2015 Business and Projects**

Chairwoman Gilman said the goal setting meeting went well on Saturday. She went briefly through the 2015 calendar. Mr. Dean said the Sportsmen's Club invited the BOS to do a site walk and tour the berm. Vice Chair Clement thought that was a good idea. Mr. Dean said if they could figure out a day, he would get back to them.

Chairwoman Gilman continued from Regular Business to Infrastructure/Projects. She asked for logistics on when/where the start of the sidewalks project would be. Vice Chair Clement suggested having someone from DPW come in and talk about the plan.

Vice Chair Clement said the Great Dam project will not be completed by 9/15, as referenced in the packet, but it will be started by 9/15.

In regards to parking, Chairwoman Gilman talked about the possibility of a parking garage. She then went on to Other/Initiatives. She asked the Board is they wanted another All Boards Meeting. Selectman Chartrand said yes, it is always good to get all together. Selectwoman Belanger agreed, saying it was very informative. Selectwoman Surman said it needs some more structure, but she would not mind seeing another meeting.

Chairwoman Gilman continued reading the rest of the projects.

## **8. Regular Business**

### **a. Tax, Water/Sewer Abatements & Exemptions**

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Veteran's Credit for map 32, lot 18 in the amount of \$2,500. Motion carried - all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Veteran's Credit for map 104, lot 79, unit 1001 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Veteran's Credit for map 68, lot 6, unit 215 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to deny a Veteran's Credit for map 68, lot 6, unit 133. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve an Elderly Exemption for map 63, lot 29 in the amount of \$152,251. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve an Elderly Exemption for map 64, lot 105, unit 52 in the amount of \$183,751. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve an Elderly Exemption for map 64, lot 4 in the amount of \$183,751. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve the following Disability Exemptions, all in the amount of \$125,000 each, for map 64 lot 105 unit 43, map 28 lot 6, and map 90 unit 11. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Veteran's Credit for lot 95, unit 1 in the amount of \$500. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve an Elderly Exemption for map 85, lot 89, unit 12 in the amount of \$125,251. Motion carried – all in favor.

**b. Permits & Approvals**

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve an application for use of the Town Hall for Greg Bisson for the Sweet Heart Family Dance on February 19, 2016 from 4-10pm. Motion carried – all in favor.

**c. Town Manager's Report**

Mr. Dean reported the following:

- He met with the representatives of Riverwoods on April 1<sup>st</sup> to discuss ways to further engage Riverwoods into the community as part of their outreach efforts.
- He read a letter from Stratham regarding Fire Department staff, wondering if Exeter would be first responders to Stratham. He got the letter April 8. The Board said they are interested but have a few concerns. Mr. Dean said they should look at this carefully.

**d. Committee Reports**

Selectwoman Belanger reported her first Conservation Commission would be meeting tomorrow. Also, the Housing Committee is taking applications.

Selectman Chartrand reported EDC met and talked about reformation. A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to accept Brandon Stauber's resignation. Vice Chair Clement said they should be consistent with all other resignations. With a Motion on the table, the Board voted and passed the Motion unanimously. He said they also reviewed election results. The Commission is happy with the TIF article approvals. He said the EDC does have a couple openings. They want it to be a full membership before reformation. The meetings will also be moved back to mornings.

Selectwoman Surman reported Swasey Parkway met. She said they are a very small but passionate group. They are working on mowing bids.

Vice Chair Clement reported Planning Board met and had a Preliminary Review on 80 Epping Road. He said the Dam Remembrance Committee also met, and the Safety Committee. The Rockingham Planning Commission met last Wednesday.

Chairwoman Gilman talked about a Public Hearing from COAST. There are lots of good ideas for solutions. She also said goals setting was Saturday and HDC will meet Thursday.

**e. Correspondence**

The following correspondence were included in the packet:

- Letter from Comcast regarding commencement of renewal process
- Letter from the Sportsmen's Club annual report
- Letter from ESC regarding new member orientation
- Letter from ESC regarding membership
- Letter from Robyn Giard thanking the town for all their help

- Moody's Investors Service rating action

**9. Review Board Calendar**

The next BOS meeting will be April 20, 2015.

**10. Non-Public Session**

A Motion was made by Vice Chair Clement and seconded by Selectwoman Belanger to go into non-public session under RSA 91-A:3 paragraph C at 8:47pm. Motion carried – all in favor.

The Board emerged from non public session and stood adjourned at 9:40 p.m..

Respectively submitted,

Nicole Piper  
Recording Secretary